



City of Santa Barbara

Planning Division

JOINT COMMITTEE MEETING **Staff Notes**

May 11, 2015
(Revised June 11, 2015)

CALL TO ORDER

Beatriz Gularte called the meeting to order at 10:02 a.m.

ROLL CALL

Bendy White, City Council
Cathy Murillo, City Council
John Campanella, Planning Commission
Mike Jordan, Planning Commission
Sheila Lodge, Planning Commission

STAFF PRESENT

Danny Kato, Senior Planner II
Bea Gularte, Senior Planner II
Marck Aguilar, Project Planner
Brenda Beltz, Associate Planner
Scott Vincent, Assistant City Attorney III
Martha Miller, Dyett & Bhatia
Jeannie Mangone, Dyett & Bhatia

GENERAL BUSINESS

Bea Gularte introduced Jeannie Mangone to the Committee as a new addition from Dyett & Bhatia, and Marck Aguilar as the new lead for the New Zoning Ordinance (NZO) effort. Bea mentioned that topics concerning the uses may need further discussion, including the uses that were new, revised or received many public inquiries. In order to adhere to the two year timeline, she requested feedback from the Committee about items on the New Zoning Ordinance that may need more development and should be pulled from the process for a later date.

Martha Miller, from Dyett & Bhatia, presented the preliminary draft of the New Zoning Ordinance, Module 1: Use Regulations. She mentioned that after feedback was received and the community workshop had occurred, the next two modules covering development standards and administrative procedures would begin.

Module 1: Use Regulations (dated May 4, 2015)
Focused on four sections:

1. Zone District Purpose Statements and Use Regulations for each zone district
2. Standards for Specific Uses and activities that apply to multiple districts
3. Use Classifications, or definitions
4. Use Correspondence Table which is organized to relate proposed classifications to existing uses

The first effort to enhance the Zoning Ordinance was to refine the zone names to provide context for the character of each zone. Including updated purpose statements for each zone district provided a link between the General Plan's policies and the regulations. It was a way of showing how each zone is intended to be used and how it fits in with the land use policy.

The use classifications were developed to group and define uses by common characteristics and functions. As new uses are established, they can be identified and placed in use groups. A table was created with use classifications for each district to identify an allowable use, including the requirement of a Performance Standard Permit (PSP) or a Conditional Use Permit (CUP). The table provides a cross-reference where there are additional regulations in the Zoning Ordinance and allows for comparison between zones and their specific uses.

M-1 Zone

Up for discussion were the uses in the M-1 zone. The General Plan contains policies and implementation strategies that encourage the preservation of light manufacturing. About 41% of the M-1 Zone is comprised of industrial and car service uses. During the 2013 Zoning Map Amendment, the M-1 zone was reduced along the edges. Those parcels that were split zoned with C-2 or C-M were kept in the C-2 or C-M zones. The General Plan anticipates some of those parcels will be turned over for priority housing. Eliminating presently allowed uses will result in creation of non-conforming uses.

- Commissioner Lodge acknowledged the lack of land available within the M-1 zone and felt strongly that there should not be any more retail or office spaces added to the zone.
- Commissioner Campanella questioned whether there are existing industrial car service uses that would not be allowed today under the existing zoning , noise or pollution regulations. Staff responded that that analysis has not been undertaken, and that the M-1 Zone is very permissive and that the ordinance permits those uses provide that they are not obnoxious or offensive. Commissioner Campanella also noted that commercial and residential zones border the M-1 and questioned whether there might be a need for a buffer. This might generate concern by businesses and residential uses along the M-1 edges that might be affected by industrial uses. Ms. Miller noted that this is a current situation, that there are performance standards and state and federal regulations that apply to those uses. Commissioner Campanella suggested disclosures be provided to potential owners to help resolve uncertainties. Ms. Miller acknowledged that now is the opportunity to review the allowed uses in the M-1 and consider compatibility, and if the goal is to further protect the industrial zone, then the allowed uses should be further limited. Commissioner Campanella mentioned using the bordering parcels of the M-1 zone as commercial uses to help create a buffer between the industrial and non-industrial or mixed uses.

- Commissioner Jordan anticipates an increase in pressure as the M-1 zone border becomes mixed use and people start living there. There will be increased desire for non-industrial services, somewhat of a contradiction.
- Councilmember White acknowledged that if office uses were continued, the expectation would be for an office atmosphere with limited noise but, there might be an adjacent noise-generating industrial use. He envisioned mixed use along transportation corridors with residential on upper floors. Office in the M-1 is his biggest concern. Councilmember Murillo supports protecting the M-1 and noted that there is a general tolerance amongst existing owners/users for the range of uses in the industrial zone and it is important to protect what is in place now because the City is not creating any more industrial zone area.
- Councilmember White inquired how City jurisdiction parcels at and around the airport might be utilized. Staff responded that that is not being considered as they fall within Title 29, Airport Zoning, and is not included in the NZO effort.
- Ms. Miller asked the Committee to review the M-I zoning uses and forward to staff their recommendations for uses to be removed/added.

Neighborhood Markets

Neighborhood Markets would be a new allowed use serving residential zones. The markets that are present in residential zones are considered non-conforming and as such, improvements are limited. Markets would be required to obtain a Conditional Use Permit (CUP) in single-unit residential zones or a Performance Standard Permit (PSP) in other residential zones subject to standards. Markets would be restricted to 1,500 square feet maximum, located on a corner lot, maintain a certain distance from an existing market to reduce concentration of retail, have limited hours of operation, have no outside seating, comply with outdoor lighting ordinance, etc. Alcohol sales would require a CUP for alcohol sales in residential zones. The intent is that neighborhood markets would be small and not require parking.

- Commissioner Lodge opposed having neighborhood markets in single-family residential zones and questioned their success/profitability in low density areas where it would be anticipated that they would generate additional vehicle trips. In addition, she did not think that they should be located in a mid-block parcel.
- Commissioner Jordan suggested that in order to be viable, neighborhood markets may need the ability to sell alcohol and requiring a Conditional Use Permit (CUP) for alcohol sales would be a difficult and unlikely path to approval. Ms. Miller noted that in other jurisdictions, CUPs are often employed for alcohol sales and through that process, market operators convey that in order to provide other items, alcohol sales are needed.
- Both Councilmember Murillo and Councilmember White noted that they were not opposed to outdoor seating.
- Commissioner Campanella was concerned that requiring a market to obtain a Conditional Use Permit (CUP) would deter the creation of new markets, especially in single-family zones.
- Councilmember Murillo noted that at least two markets operate mid-block; De la Vina/Anapamu Streets and another on Micheltorena Street. Also recognized that markets

are responsive to their customer's desires and a market's inventory should not be regulated by the City.

- Commissioner Campanella affirmed that not requiring parking would also limit the impacts to adjacent parcels since a driveway to the back would not be needed. Staff stated that Americans with Disabilities Act parking might not be required since that is triggered when there is an overall parking requirement.
- Generally, the Committee concurred that neighborhood markets should be not be allowed in single family zones.

Home Occupation

Discussion of the standards and allowable uses. The Module included operational, independent performance standards concerning maintenance of the residence, business within the residence, disallowance of outside employees, limitations on customer visitations. It is intended to help preserve the residential character of the area while allowing business opportunities.

- Councilmember Murillo asked about home occupation complaints. Danny Kato responded that complaints are limited but, usually related to a high number of visitors/customers or delivery trucks (e.g. UPS or FedEx). verified the complaints as foot traffic relative to home occupations like barbershops or music lessons in addition to an overabundance of mail trucks.
- Commissioner Lodge expressed concern about the language allowing two commercial vehicles to be parked at the residence, feeling it would contribute to a more commercial use than residential. She felt it necessary to place restrictions on foot traffic to protect the residential quality of life. Commissioner Jordan observed that certain working class neighborhoods would not be affected by home occupations so restrictions would be excessive.
- Commissioner Jordan questioned how the term "lodging" is being applied. Danny Kato stated that it was intended as a placeholder for vacation rentals, not for long-term rental of rooms. The term "lodging" relates to hotel use and will be addressed the the Vacation Rentals ordinance effort. When complete, that will be rolled back into the NZO effort.
- Councilmember White was unclear about common home employment such as a bookkeeper, and whether that would be permitted. Staff responded that a bookkeeper or other personal assistant-type service would not be considered a home occupation if the service provider comes to the client's home. Rather, if the person living in the home is a bookkeeper and clients visit, that would be categorized as a home occupation.
- Councilmember White questioned that if barbershops with more than one chair are prohibited, does that mean barber services with only one chair are permitted? Staff responded that barber shops and hair solons are prohibited, but that staff did not see a problem with a single person cutting hair as a home occupation. The Committee agreed that one person cutting hair would be an acceptable home occupation. Limits on number of visitors at a time or per day would be an enforcement challenge. Commissioner Jordan indicated that impact, parking and otherwise, from home occupation visitors/clients may be less than expected during the day since most people would be out of their homes at work.

Mobile Food Vendors

Mobile food vendors are categorized as peddlers, and are prohibited under the City's current ordinance; however, they are allowed on the public right-of-way by the California Vehicle Code (CVC). This is proposed as a new allowed use on *private* property. The standards include limiting food sales for immediate consumption; allowing only a vehicle as defined by the CVC, not a push cart; food trucks cannot be left unattended; no parking at least 15 feet near a right-of-way to allow for customer queuing; they must be permitted on a specific location; they may not displace parking, and they must operate at least 600 feet from a school unless posted for a special event.

- Commissioner Campanella asked whether these standards parallel those for food trucks on public streets. Ms. Miller replied that the public street requirements are less defined. Campanella: Why would there be a difference? Staff responded that food trucks are not presently allowed on private property.
- Commissioner Jordan asked if the food trucks presently operating on private property are in conflict with current ordinance. Staff affirmed. For street right-of-way however, State regulations and local jurisdiction regulations are applicable. Mr. Vincent noted that mobile vending in the right of way will be reviewed by the Planning Commission and Council in the near future. He asked the committee to consider mobile food trucks from standpoint of what is desirable for zoning or compatibility. The Health Dept. will continue to regulate.
- Commissioner White questioned the need for distance requirements from the right of way, if mobile vendors can already sell in the right of way. Staff replied that this would apply to private property sites with the intent of reducing the likelihood of customers or the vehicle/operation blocking the sidewalk.
- Commissioner Jordan expressed support for the uses but, expressed reservations for vendors that would remain for some extended time. The proposed standards seem onerous for a single truck that stops for a limited time. Ms. Miller responded that this could be addressed in Temporary Uses whereby mobile vendors parked for a lengthier duration or higher frequency are subject to higher standards.
- Councilmember Murillo has observed that at some locations in town when businesses close, the property owner has allowed a mobile food vendor on the site. Some work shifts start late and the mobile food vendor fills a need. Staff replied that under the proposed standards, a mobile food vendor on site after hours when the business is closed would not be considered to occupy required parking because none is needed when the primary business is closed. Staff added that the concern about loss of required parking during operating hours of the brick and mortar business is that there is a loss of parking as well as a newly created demand for parking stemming from the mobile food vendor.
- Councilmember Murillo does not support the 600-foot distance from schools.
- Commissioner Jordan suggested that staff research and provide some examples of mobile food vendor operations.

Temporary Uses

The municipal code is rather limited in the manner that it addresses temporary uses, as to where appropriate. There is language pertaining to holiday sales and large assemblages of people (e.g. Farmer's Markets) more than four times per year in a commercial zone require a CUP. Standards and processes are unclear. There can be other temporary uses that may not necessitate a CUP such as garage sales, Girl Scout cookie sales, grand opening events. Other uses that might necessitate a Temporary Use Permit might include seasonal sales or multi-day events. Others that are larger or more frequent might be considered through a CUP process.

Initially, staff was envisioning requests for "tent sales" and more recently the Tesla temporary "popup" showroom that would be installed at Carrillo/Chapala Streets (former Greyhound Bus Station) for 30-days made it more evident that a clearer process, and varying analysis would better serve the community. Other temporary events include festivals such as "Octoberfest." Another example has been allowing a local nightclub to utilize their entire parking lot for an event if they supply replacement parking nearby.

- Commissioner Lodge noted that displacement of parking is permitted if located elsewhere but, standards relating to maximum distance aware are absent. Staff noted that for permanent off-site parking, standards apply. Will consider some flexible approach for temporary uses.
- Commissioner Campanella noted that successful temporary events are indicative of community support and efforts should be made to accommodate. Commissioner Jordan concurred and expects more temporary events downtown overtime as conversion to mixed use proceeds.
- The City Attorney recommended that the language be crafted in a manner that does not identify a specific number of events that does not require a permit as that makes enforcement a challenge. Provide a path to get a permit for a certain number of events per year as this will allow for tracking and subsequent permit. Identify size/area, amount of parking affected, etc.

Automobile Service Stations

The current Zoning Ordinance contains numerous and redundant regulations in the Ordinance and requires a CUP for most zones. Attempted to combine all existing regulations, which varied on minor items, into a single approach. A CUP is presently required for service stations in the C-P and C-2 zones, and it might be more appropriate to consider through a Performance Standard Permit (PSP) instead. Automobile Service Stations are subject to a significant number of standards and the CUP process may have little additional effect. A recent example is of a gas station looking to add a mini-mart where mini-marts are already allowed. However, as an automobile service station use, it would be required to obtain a CUP for the addition. This would still be reviewed by the Staff Hearing Officer and public notices issued.

- Commissioners Campanella and Lodge expressed concern about the locations of driveways to corners. Staff responded that the Transportation Division would continue to review proposals.
- The Joint Committee was generally supportive of PSPs rather than CUPs for automobile service stations in the C-N, Commercial Neighborhood Zone (currently C-P) and C-G, Commercial General Zone (currently C-2).

Community and Market Gardens

General Plan encourages development of Community and Market Gardens. The difference in definitions is that Market Gardens allow for on-site sales whereas Community Gardens do not allow on-site sales. Community gardens would be allowed in all zones subject to specific standards, require a management plan and identification of a garden manager, hours of operation, limits on equipment, and limited in size so as to remain appropriate to community. Are these allowances and standards appropriate?

Sales of produce restricted to Market Gardens which would be allowed in commercial, manufacturing zones and also in office zones with a PSP.

- Commissioner Lodge asked about the basis for the 25,000 square foot limit. Ms. Miller replied that the number could vary and that the intent was to apply some upper limit.
- Commissioner Lodge inquired about the sizes of existing community gardens..
- Councilmember Murillo asked if there are any existing Market Gardens in the community. Staff replied that agricultural uses are allowed in all zones.
- Commissioner Jordan suggested augmenting the standards for the operational plan to address odors, pest control, herbicides and similar. What would be the trigger
- Commissioner Lodge suggested that perhaps there should be a requirement that gardens be organic. Ms. Miller observed that home gardens are permissible now with no restrictions on gardening methods. Perhaps a size limitation would inherently address those concerns. These would be “backyard gardens” for people who do not have a garden.
- Committee did not support size limitation.

Other Concerns

- Commissioner Campanella inquired about the nature of Garden Apartments. Staff explained the limitations of Garden Apartments to the R-2 Zone.
- Councilmember White (via Councilmember Murillo) questioned the 3-bedroom limit for Accessory Dwelling Units [28.32.040.B.1].
- Commissioner Campanella inquired whether the duplex-only development is required in the R-2, Two-Unit Residential Zone. Staff explained that in the R-2 zone right now, any

combination of either single-unit residences or two-unit (duplex) residences are allowed in the R-2 zone and that is not proposed to change. Clarification may be helpful.

- Commissioner Lodge inquired about Accessory Buildings on the R-2 lot. Staff explained that Accessory Dwelling Units in the R-2 lot are a special circumstance based on lot square footage, required to be attached, and also have specific parking requirements.
- Councilmember Murillo on behalf of Councilmember White posed a question about the three bedroom limitation for Accessory Dwelling Units [28.32.040.B.1] on page 29. Further, there should be allowances for the owner to decide how to configure the space. Staff responded that that is a change from the existing ordinance. It was crafted in that manner to address parking demand. Parking requirement was reduced to three spaces based on the square footage limitation.
- Commissioner Lodge asked for clarification of Footnote #2 in Table 28.05.020 (page 17) that relates to high fire hazards and landmark districts. Staff clarified that the footnote relates to mobile homes. Acknowledged that the phrasing is awkward and could be improved.

Public Comment

No public speakers.

Next Steps

Planning Commission review of the draft Module #1: Use Regulations by the Planning Commission on June 25, 2015 at 3:00 p.m. in the David Gebhard Public Meeting Room at 630 Garden Street

Additional comments from the Joint Committee Members to be forwarded to staff in the next two weeks.

11:55 a.m. – Meeting ended.